

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
FOURTH REGION**

PENN LINEN & UNIFORM SERVICE, INC.

Employer

and

Case 4-RC-21633

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 830

Petitioner

**REPORT ON CHALLENGED BALLOTS  
AND  
CERTIFICATION OF RESULTS**

Pursuant to a Stipulated Election Agreement approved by the Acting Regional Director on December 24, 2009, an election by secret ballot was conducted on January 28, 2010, in the unit set forth in paragraph 13 of the Agreement. The Tally of Ballots, copies of which were made available to the parties at the conclusion of the election, showed the following results:

Approximate number of eligible voters .....	5
Void ballots.....	0
Votes cast for Petitioner.....	2
Votes cast against participating labor organization .....	2
Valid votes counted.....	4
Challenged ballots.....	2
Valid votes counted plus challenged ballots.....	6

The challenged ballots are determinative of the results of the election.

During the time allotted, neither party filed Objections to the election.

The Petitioner challenged the ballot of Todd Cocivera on the ground that Cocivera is the son of the Employer's owner. The Board Agent conducting the election challenged the ballot of Michael McGinty because his name did not appear on the voter eligibility list.

Pursuant to Section 102.69(c) of the Board's Rules and Regulations and paragraph 7 of the Agreement, a preliminary investigation of the challenged ballots was conducted under my direction and supervision. During the investigation, the parties entered into the attached Stipulation agreeing that, for the purposes of this election, the ballots of Cocivera and McGinty should not be opened. In addition, the parties waived their rights to file exceptions to this Report on Challenged Ballots, to any further investigation or a hearing on the matter, to a determination by the Board concerning the eligibility of Cocivera or McGinty, or to any other proceedings concerning this issue.

### **CONCLUSION**

Based upon the parties' stipulation, I find that Michael McGinty and Todd Cocivera are not eligible voters, and the challenges to their ballots are hereby sustained. Therefore, the election results now show that 2 votes have been cast for the Petitioner, and 2 votes have been cast against the participating labor organization. As a majority of the valid votes has not been cast for the Petitioner, I shall issue the following:

### **CERTIFICATION OF RESULTS**

Pursuant to the authority vested in the undersigned by the National Labor Relations Board, **IT IS HEREBY CERTIFIED** that a majority of the valid votes has not been cast for the International Brotherhood of Teamsters, Local 830, and that no organization is the exclusive collective bargaining representative of the employees in the following appropriate unit:

INCLUDED: All full-time and regular part-time drivers employed by the Employer at its 433 Seminole Street, Essington, Pennsylvania facility.

EXCLUDED: All other employees, office employees, clerical employees, guards and supervisors as defined in the Act.

Signed at Philadelphia, Pennsylvania, this 2<sup>nd</sup> day of April, 2010.

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**DOROTHY L. MOORE DUNCAN**  
Regional Director, Fourth Region  
National Labor Relations Board

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**STIPULATION TO RESOLVE DETERMINATIVE CHALLENGED BALLOTS**

We, the undersigned parties hereby agree and stipulate that:

1. Michael McGinty and Todd Cocivera voted subject to challenge in the January 28, 2010 election in this case.
2. Both parties agree that for the purposes of this election, the ballots of McGinty and Cocivera should not be opened.
3. We agree to waive all rights under the Board's rules to file exceptions to a finding by the Regional Director that the above named employees are not eligible voters, to any further investigation or hearing concerning their eligibility to vote, to a determination by the Board concerning their eligibility, or to any other proceedings concerning this issue.

Penn Linen & Uniform Service, Inc.  
(Employer)

International Brotherhood of Teamsters Local 830  
(Labor Organization)

BY: /S/ Scott Kamins Date 4/1/10

BY: /S/ Robert F. Henninger, Esquire Date 3/31/10

**Recommended by:**

**Approved by:**

/s/ Mary Leach                      4/1/10  
Board Agent                      Date

/S/ Dorothy L. Moore-Duncan                      4/2/10  
Regional Director                      Date  
National Labor Relations Board